

Department of State Daily Press Briefing, Re: UNFPA
Richard Boucher, Spokesman
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MR. BOUCHER: Good afternoon, ladies and gentlemen. If I can, I'd like to start off telling you about the UN Population Fund decision the Secretary has made, and then I'll take your questions on that and other topics.

The Secretary of State Colin Powell has decided that pursuant to the Kemp-Kasten legislation that United States funds for family planning and reproductive health will be spent through US Agency for International Development programs, and not through the UN Population Fund. The \$34 million that we have for the UN Population Fund, with the approval of Congress, will be spent on population programs under USAID's Child Survival and Health Program Fund.

While Americans have different views on the issues of abortion, I think all agree that no woman should be forced to have an abortion. After careful consideration of the law and all the information that's available, including the report from the team that we sent to China in May, we came to the conclusion that the UN Population Fund monies go to Chinese agencies that carry out coercive programs.

I'd like to point out the United States continues to fund population programs worldwide. Our total this year is 446.5 million. With the additional 34 million that used to be spent in the UN program, that total will be \$480.5 million this year.

That's the announcement. We will get you a number of materials now after the briefing. They're being reproduced now. One is a more formal statement; two is the legal analysis, a three-page sort of summary of how the law and the programs and the facts matched up to lead to this decision; and three is the executive summary of the report of the team that went to China. That's about eight or nine pages, including their conclusions and recommendations.

So we'll have that available for you after the briefing.

George.

QUESTION: Richard, does that report track with what you just announced?

MR. BOUCHER: The recommendations in the report are slightly different. I think the team actually looked at the situation and brought back a lot of important information for us. And that is the foundation of what we had to decide. But the legal analysis was done after the report. The legal analysis was done to include other information that became available to us. One of the things the team that went to China had recommended to us was that we get a hold of copies of a number of Chinese regulations.

When we did that and had that material available, it became much clearer where the decision had to go. For example, we found that in Chongqing municipality, current regulations state that, "The birth of a child which violates government family planning policy will result in levying a fee of two to three times the annual income of both respective parties involved and that repeat infractions double the penalties." In addition, those regulations state that any difficulties for the collection of the fee or exceeding the time limit for payment will result in an additional penalty. So it's regulations like that that we were able to get hold of at the suggestion of the team, but after the team made its trip to China.

Eli.

QUESTION: Does the State Department have a view of how the Chinese ought to try to stem their

population increases?

MR. BOUCHER: I think we have a view that applies worldwide and applies worldwide to the programs that we do support. Remember, when this administration came in, it made a commitment that we would continue to spend similar amounts on population and reproductive health as the United States has spent in the past because the US has been a very important supporter of those programs. But in doing so, we wanted to make sure that our money went to programs that were voluntary, that were educational, that were making available information, services, and other things to couples so that they could decide on their own when to have children and how many children they wanted to have.

We are very successful in supporting those programs around the world, and those are the kind of programs that we do want to support.

Teri.

QUESTION: So what do you think withdrawing the \$34 million will do? Do you have hopes that the program would be -- I don't know, would fall apart without that money or do you just think it's a show of non-support?

MR. BOUCHER: I suppose one would have to decide what the -- one would have to see what the Chinese decide on their own programs, what the UN decides on their programs. Our hope is that this step will bring us into compliance with US law. Remember, we're constrained by US legislation to make these judgments and decisions and this is the judgment and decision that we have made.

Our hope is to have US money that goes to support population programs, to be used in programs that are distinctly and clearly providing, as I said, the information, the resources, the services to couples so they can make their own decisions. And while -- because money is fungible, that we won't be giving our money to a UN program that then gives money to Chinese agencies that then carry out these coercive abortion programs.

Todd.

QUESTION: Richard, could you describe who did the legal analysis, what participation, if any the White House had in that process? And it's my understanding that no money from this program goes directly to such coercive programs in China, so what is the Department's thinking in effectively punishing 139 other countries that do benefit from this UN program?

MR. BOUCHER: The, first of all, legal analysis -- the analysis as a whole of the facts and the legalities and how they stacked up was done in interagency working groups led by our Bureau of Population and Refugees. A lot of the legal analysis, I think, with State Department lawyers -- a State Department legal team that worked on this. And that was their contribution. I'm sure that other agencies might have had lawyers involved. So it was an interagency effort. The White House was clearly involved in that.

QUESTION: Led the effort by being -- by virtue of its interagency nature?

MR. BOUCHER: No. I don't think I'd say that. I'd have to look back at which of the different committees and who chaired them and things like that. But it was an interagency effort. The legislation, the decision-making power and the legislation have been delegated to the Secretary of State, so he made the final decision. The President was aware of the decision and supports it. But it was an interagency group that worked on this and came up with the recommendation for the Secretary.

As far as your second question, you'll see in the three-page or so legal analysis a sentence that I think states as clearly as I can that the issue involved in why this decision, we felt, had to be made.

Regardless of the size of the UNFPA's budget in China or any benefit that its programs provide, UNFPA's support of and involvement in China's population planning activities allows the Chinese government to implement more effectively its program of coercive abortion.

So they cite things like, you know, where the UNFPA is providing computers or vehicles, and yet, you know, then finding out those computers and vehicles, because they become part of the Chinese programs, are used to send notices to people about not having further children and to be involved, therefore, in the -- you know, in the context of the PRC they are supplying equipment to the very agencies that employ coercive practices. And that amounts to support or participation in the management of the program.

QUESTION: And as to the other countries, why the China problem has to drive the decision for all the other countries?

MR. BOUCHER: The question is, first of all, following US law. The second is following the US beliefs in what we should and should not be supporting. And third, remember that we are supporting family planning, reproductive health programs around the world to the same extent that we did before, before the Mexico City decision last February, and before this decision right now.

So this \$480 million that we're going to spend on population and reproductive health amounts to a substantial contribution by the United States to the efforts that are being made around the world. We're already looking at how that money can be spent, and we're involved in family planning programs in over 60 countries this year. So the funds can be directed to a number of countries that have especially high unmet needs for family planning, including Afghanistan, Nigeria, Pakistan, Ethiopia, Congo, Uganda, Tanzania, Madagascar, Ghana, Kenya, Zambia, Malawi, Cambodia, Rwanda, Guatemala, Nepal, Burma, Angola and Benin. Among these are three new countries where we have not been funding family planning; that's Afghanistan, Angola, and Burma. These funds will enable programs in these countries to expand and improve access to family planning services, enabling couples around the world to make free and responsible decisions about the number and the spacing of their children. These funds will support programs in the public, non-profit and commercial sections and through humanitarian organizations like CARE.

QUESTION: Is that the 34 million?

MR. BOUCHER: Yeah. Those are places that we can spend it through our USAID program.

In Fiscal Year 2003, the US Agency for International Development will maintain its current levels of support for family planning and reproductive health activities. We have a particular focus on the special needs of youth, protection against unintended pregnancy and sexually transmitted infections, including HIV/AIDS, and also post-abortion care for women suffering complications from unsafe abortion.

New activities include areas of data collection, monitoring and evaluation, and health communications, and those will be launched. So there are many needs and many things that we will spend this money on to make sure it's effectively used in the same general area.

QUESTION: Richard, I realize this might be in the executive summary which we are going to receive, but we haven't seen it yet, so I'll ask you anyway. Does the -- did the report specifically come to the conclusion that UNFPA funds do not go towards Chinese programs which support coercive abortions?

And if you have decided -- since you have decided otherwise, then what was the point of sending this team there in the first place, if you were going to ignore it?

MR. BOUCHER: The point of sending the team in the first place was to gather information, and they had

very extensive interviews. We're giving you the executive summary of the report; the report itself is about that big. They include brochures, information that they got, transcripts of interviews, and a lot of things that they were able to collect. And as I said, we have in addition to that the things that we have gotten subsequently and beforehand through our own efforts of our diplomatic posts and research on the subject.

What they found was no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion or involuntary sterilization in the PRC. Second, they found that notwithstanding some relaxation in 32 counties in which UNFPA is involved, the population programs of the PRC retained coercive elements in law and in practice. And the third was about the importance of population policy in China.

Those are explained in further detail in the executive summary that we give you. But you see the basic construct there, that while the UN is not knowingly involved in these programs of coercion, they support and work with agencies that are involved in that. And it was up to us, based on the information that was collected, based on the law, to do the legal analysis and decide what's the appropriate role for US funding. And at this point we decided it was not to fund the UN Population Fund.

QUESTION: How was the funding initially raised from the 25 million that Bush proposed to begin with to the 34 million?

MR. BOUCHER: My understanding of that is that we proposed -- let me get back to this somewhere, if I can -- I probably can't find it. We proposed something like 21.5 million last year, and 25 million this year. Provided 21.5 last year, proposed 25 this year, Congress upped that to 34. And we said, fine, as long as it -- we'll spend it in accordance with the law.

And now, having examined the law and the facts, we find that we need to spend it through nongovernmental organizations and in other ways than through the UN Population Fund.

Betsy.

QUESTION: But there's a whole group of women who are left out of this reasoning, because many of these children are those that are not conceived by loving couples that take the time and have the education to decide when they'll have children. I mean, many of these children would be born from rape or from other things like that. I mean, there's no -- there's nothing to help these women in China from the US?

MR. BOUCHER: I think, first of all, there's plenty of Chinese Government programs, and we said, so many of those are coercive. The second point, I think, is we don't want to be involved in any way in programs that coerce women into having abortions, whatever the reasons for their pregnancy. That's the point that we're making with this. That's the decision that we have to make based on the law.

Todd.

QUESTION: Some Members of Congress, Richard, are saying that this is a very broad interpretation of Kemp-Kasten, broader than any interpretation heretofore applied, and they worry that it could ultimately jeopardize United States participation in other programs, like UNICEF, WHO, even USAID itself, if the logic were carried out to its logical, apparent conclusion.

Is that something that's been of concern to the Department?

MR. BOUCHER: I think I just have to say it was a very careful legal analysis. The act, like every foreign operations appropriations act since 1985, provides the following: None of the funds available in this act

may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion and involuntary sterilization.

It was under that rubric that we looked at this. And you'll see that's why we're providing you with the full legal analysis so you can see how it -- how we matched up the law and the facts and came to this conclusion.

Eli.

QUESTION: If the UN fund was not knowingly supporting the work of these agencies, did you consider -- or why wouldn't you just go to the UN, make them aware of your findings, and then see if they could then no longer work with the agencies practicing the coercive abortions?

MR. BOUCHER: I'm not really sure of the complete answer to that. They have, I understand, a four-year commitment to China. They spend about \$3.5 million a year there over a period of four years. So they're committed under an ongoing program.

And as I said, we have a legal determination to make about how we deliver US money. Clearly we want to consult with all those involved in family planning and reproductive health around the world, including the UN Population Fund. But at this point we had to make the decision based on US law and what we know about our money.

QUESTION: If I could just follow up -- I mean, I hope that you don't say that this is a hypothetical -- but would it be possible for any US support for population control in China, given -- I mean, could you -- is there any scenario where you could support programs in China, given the government's policy, and as you pointed out before, the law?

MR. BOUCHER: Would it be possible? I suppose it's conceivable, either that the Chinese Government might change some of their regulations and programs. It's conceivable that others might be carrying out programs that are not involved with these Chinese Government agencies that provide for the needs of women and expectant mothers in a way that we could fund through NGOs or otherwise.

But we would have to look at obviously the law and the circumstances before we made those decisions.

Elaine.

QUESTION: I was listening from before, and I don't think you've said specifically what -- where these -- how these monies got to the agency, the agencies that are responsible for coercive abortion. Can you give us a specific example? Because as I understand it, the Secretary was supportive of the UNFPA and I'm wondering exactly what you found out that made him change his mind.

MR. BOUCHER: I think the simple answer is that we have so much more information now. We have the assessment teams' reports. We have more information on how the UN Population Fund money is spent in China. We have more complete information now regarding particular laws that underpin state population matters in China. In addition, since the time of our original proposals, China has enacted a new national law that provides severe fines and other penalties imposed on those who have out-of-plan births. That law was adopted by the People's Congress on December 29, 2001 with an effective date of September 1, 2002. So in light of that new information that we now have available, the Secretary determined that Kemp-Kasten precludes funding to the UNFPA.

How does the money get there? The United States supports UN Population Fund programs in a general way around the world, not specifically for China. The Population Fund then spends money in China.

About half of their money is spent for Chinese agencies. I think it's over half of their money is spent for Chinese agencies which carry out these coercive programs. And it was our view that because we're providing money to an organization that provides money to the Chinese programs, that that infringed the intent of the law and the requirements of the law.

QUESTION: Half the money, not of UNFPA, but of UNFPA's money in China goes to coercive agencies; is that it?

MR. BOUCHER: Thank you. Yeah.

QUESTION: Can I ask another question?

MR. BOUCHER: Half of -- yeah, half of UNFPA's money in China goes to agencies that carry out these coercive programs, not directly to any activities.

QUESTION: One of the criticisms that have come from people anticipating this decision is that the administration has just decided to spend vast quantities of money in China because of the AIDS program. Can you explain why that money doesn't worry you, whereas this money does?

MR. BOUCHER: I read you the requirements of the law. The requirements of the law are quite clearly directed at population programs and I think there's the -- you know, that's where we're dealing directly with money that we spend on population programs. The AIDS funding -- let me go back. You know, it's very much coercive abortion or involuntary sterilization, any organization or program which does that. So the organizations and programs that we would be spending money on wouldn't be involved in those things.

QUESTION: There's an overlap between AIDS programs and reproductive health programs and I'm wondering how you're going to keep the AIDS money away from those same agencies that carry out coercive abortion.

MR. BOUCHER: I'm sure that'll be something that'll have to be looked at as the money is spent. I guess that's as far as I can go on that.

QUESTION: A couple of things. One, in your answer to Betsy's question, when she asked, "Well, what do these women in China do now if they've got a problem?" I think -- what you said sounded to me like you were suggesting that these women go to the very programs that you say that you find fault with. Was that what you were trying to do?

MR. BOUCHER: The -- she was asking about people who make their own decisions. And for people who make their own decisions, not in the source of the pregnancy but in what they want to do --

QUESTION: Well, she asked you "What do these women in China do now?" And you said, "Well, there are these programs that the Chinese government runs --" and then you said well, that they are coercive. But you -- that seems to -- I mean you seem to be admitting that you're putting some Chinese women in a position where they're forced to rely on the very program that you say is bad.

MR. BOUCHER: I thought I was answering a question about women who became pregnant against their will. And those women have health services available to them, adoption services, whatever else is normally available in China. Our point has been that we believe that those programs should not be coercive. Those people should be -- those programs should be made available to people who want them and who make their own decisions. So if there are people who want them and make their own decisions, they are available. The point about US funding and this law is so that it's not -- so that we don't fund anything that's coercive.

QUESTION: Still, that boils down to, in the end, you're saying they should go, then, to the very places that you're saying are bad. Anyway. I think --

MR. BOUCHER: I don't think it quite boils down to that because the question was predicated on choice.

QUESTION: Okay. I've got two very brief ones, then. When did you inform UNFPA of this decision? I ask this because as of two hours ago they hadn't been informed and were quite peeved, one might say. And don't you think that it might depend on --

MR. BOUCHER: The answer is I don't know. I will check. I should have checked.

QUESTION: Well, they say that as of two hours ago when it became apparent that you were going to announce this --

MR. BOUCHER: Maybe we've informed them in the last 18 minutes. We'll double-check.

QUESTION: Yeah. Well, so in other words, they were never given a chance to respond to any of these -- to this decision?

MR. BOUCHER: We have been in very close touch with them. The team talked to the UN Population Fund people who work in the field. We certainly talk to the organization constantly. They know what we were looking at. They know what our law is. They know what kind of information we needed and my understanding is they were helpful.

QUESTION: Okay. Well, you say the team that went out there, that was in May, right?

MR. BOUCHER: Yeah.

QUESTION: And that team came back with what you said were slightly different recommendations than what the Secretary has decided now. So as far as the UNFPA knew, from their conversations with this team, things weren't quite at this stage yet. I want to know, if you have an answer, when UNFPA was told, and if you can find this out, when they were told that the decision was going to be that you were going to withdraw the funding. And then I've got one last --

MR. BOUCHER: I will find out for you. But I have to say that the team came back with a large volume of information for us. And it was on the basis of that information, additional information, and the legal analysis we had to do that we came to this conclusion.

QUESTION: Thank you. But it appears from what you're saying that UNFPA was never consulted about any of this after --

MR. BOUCHER: No. I don't think that's true, but I'll get you the facts when we talk to them.

QUESTION: All right. And my last one, which I'm sure you'll answer very briefly, is that there are some in anticipation of this decision who are saying that Secretary Powell was essentially forced into making this decision by the White House and there will be some, as you know, up on the Hill, who will say this this afternoon -- who will stay this this afternoon and tomorrow. What do you say to these people?

MR. BOUCHER: The Secretary made this decision based on the recommendations of an interagency group that involved all the different agencies, on the basis of a State Department legal analysis, a legal analysis done by this group that included State Department lawyers. This was the recommendation of the interagency team. This was a decision that the Secretary made, as the person to whom the authority had been delegated.

QUESTION: When was that -- did you say when the interagency team came back to this recommendation? Maybe -- I may have missed it.

MR. BOUCHER: It came back with its report. The report -- their letter to the Secretary on their findings and recommendations was May 29th.

QUESTION: That's not the interagency?

MR. BOUCHER: No, that --

QUESTION: No, no.

MR. BOUCHER: Oh, I'm sorry, you're asking the interagency team?

QUESTION: Yeah.

MR. BOUCHER: The interagency work? The memo went up to him late last week, and I think he signed off on it over the weekend. I'll have to double-check. He told us this morning that he had signed the recommendation.

QUESTION: Can you lay out what percentage of the \$480 million of family planning goes to promoting abstinence, and whether that money -- that percentage is actually increasing? And also --

MR. BOUCHER: I can't right now. I don't know. I'd have to check and see if we have that kind of information.

QUESTION: Okay.

MR. BOUCHER: And I'll just see if we can get it for you.

QUESTION: Okay. And also, US funds that go to China through the World Bank, IMF, the World Health Organization -- these funds are not going to be cut off, are they? Because -- I mean, does the law consider the Chinese Government as the -- you know, as the parent of their family planning programs to be also untouchable?

MR. BOUCHER: Well, again, you've got to keep reading the law. It says any organization or program which supports or participates in the management of programs of coercive abortion or involuntary sterilization. So --

QUESTION: Does that include the Government of China?

MR. BOUCHER: So those are the entities, the in many cases local entities, because there are local regulations. I cited the one from Chongqing. Regulations may be different somewhat or not in other places.

So it's the local -- it's those entities that are involved, not some general observation. This involves funding for -- a particular stream of funding for a particular organization.

QUESTION: Did the team that went out there draw any conclusions about whether the UNFPA was actually having a beneficial effect on China's one-child policy?

MR. BOUCHER: I'd have to leave you to read the team's report. I don't remember off the top of my head, frankly, if that's in there somewhere.

QUESTION: Can we get access to the full report?

MR. BOUCHER: You'll get access to the full report. I think it's all going to be scanned and put on CD-ROMs, but that may take a while.

QUESTION: Are you going to review this program year by year, and sometime maybe resume the funding next year or something?

MR. BOUCHER: I don't know that there's a specific timetable for it, but certainly we'll follow the situation, we'll continue to see what happens with China's programs, with the UN Population Fund, and with other funding proposals that may come forward. We're not adverse to carrying out some programs in China if they can be done within the scope of this law.

Gene.

QUESTION: Yeah. Two quick questions. Do you have any stats on what the 34 million represents in terms of Chinese expenditures and UN expenditures in China on population?

And secondly, --

MR. BOUCHER: Let me do this, if I can, while I still remember. The Chinese spend something like a billion dollars a year on population programs. The UN population program spends something like \$270 million a year, of which --

QUESTION: In China?

MR. BOUCHER: No. Of which 34 was from the US. And they spend \$3.5 million a year in China. So it is a small part, but the law doesn't say a small part's okay. It's a question of US money and whether we can give money in that stream.

QUESTION: How much of last year's US funding was done in China through the UN Population? Can you give any estimate on that?

MR. BOUCHER: I don't think any. Right? How much --

QUESTION: How much --

QUESTION: You said the UN Population --

QUESTION: Okay, went to China, went to programs in China.

MR. BOUCHER: How much are the money that we spent -- well, once -- assuming a percentage. I mean, there's probably different ways to do the numbers. At this point the numbers -- it's not like we're tracking a dollar bill and a serial number on this.

QUESTION: (Inaudible.)

MR. BOUCHER: What?

QUESTION: None of the money went to --

MR. BOUCHER: None of our money went into China directly.

QUESTION: By law?

MR. BOUCHER: By law. Okay.

QUESTION: -- appropriations (inaudible) said that it should be segregated out and none should go into China.

MR. BOUCHER: Yeah. So we -- our money goes to other UNFPA programs, not in China, but then it frees up money to go to their programs in China.

QUESTION: So you're penalizing these other programs, rather than China at this point?

MR. BOUCHER: We're not spending money -- we don't want to spend money, to send US taxpayer money into a stream of funding that ends up partly going into the hands of people who carry out coerced abortion. And the bottom line is that's what the law requires us to do, not to say, well, it's only a small fraction or it's only a few drops in the stream. The law requires us to find whether or not our money ended up going into the hands of people who carry out coercion. And given that this direct line from US funding, although our funding doesn't go into China, it frees up -- presumably it frees up money that the UN Population Fund uses in its programs in China, which goes to Chinese agencies that carry out coercive abortion. It's not possible to segregate money to that extent, I guess.

QUESTION: Richard, you just said that you're not -- it's not as if you're tracking this dollar serial number -- serial number by serial number, dollar by dollar, but isn't that exactly what fungibility entails? That's what you're saying. I mean, if you're not tracking this money --

MR. BOUCHER: Fungibility is the opposite. But no, we -- I mean, we support --

QUESTION: Yeah -- but no, it's not the opposite. You're saying that if you can -- that there is evidence that US money, one dollar bill with some -- serial number X on it goes to UNFPA, and even if that doesn't get spent in China, it helps China. That's exactly what --

MR. BOUCHER: That's the point I just made.

QUESTION: Well, then why did you say earlier that you're not tracking every dollar serial number by serial number?

MR. BOUCHER: It's not that a US dollar bill with a particular serial number goes to the UN, which then goes to China, which then goes to a Chinese agency.

QUESTION: Yes, I know.

MR. BOUCHER: But it is that the money that we provide into this stream, the fact that we provide money to the UN Population Fund, even if our money is supposed to be segregated and spent on other activities, not China activities, that then frees up money that the UN Population Fund has that goes into Chinese agencies to some extent that carry out these --

QUESTION: But you have made a decision that that dollar bill with serial number X on it has had some kind of effect in China, right? That's the whole point of what fungibility is, as far as I know.

MR. BOUCHER: Yeah, that's right.

QUESTION: So you are tracking it dollar by dollar?

MR. BOUCHER: No, we're not tracking it now --

QUESTION: Well, yeah, you are.

MR. BOUCHER: I mean --

QUESTION: That's what you -- you've come to that conclusion.

MR. BOUCHER: That's -- no. But it -- that's not what the words I said meant; that's not what the words you say mean. But anyway, say it your way if you want, but don't write it that way, because it's not right.

QUESTION: Richard, could you just -- I find it surprising that UNFPA ever agreed to say that your funds would only -- would not go to China. Do you explain -- what exactly -- what kind of assurances did you have from them, and how does this work in practice?

MR. BOUCHER: I don't know how that mechanism has worked, and I'll find out for you.

Todd.

QUESTION: -- question, Richard, but in terms of consultations, do you know if the Secretary has spoken with the Secretary General personally about this matter, or informed him of which way the wind was blowing sort of thing?

MR. BOUCHER: I'd have to double-check with him. I don't know. I don't know of any particular phone calls today, for example. But I'd have to check if they discussed it in some other phone calls in the last week or two.

QUESTION: If I remember rightly, you said that you weren't adverse to the idea of doing programs in China. Can you say of your own that would be within the parameters of this law? Is there any -- actually any consideration of doing that?

MR. BOUCHER: Not that I know of. I was asked under what conditions might we be willing to fund the UN Population Fund, or what we might be willing to fund, even to programs in China. And as I said, that would depend on US law, first and foremost, and depending on how those various programs evolve. So we'll just have to see.

New subject?